THE DEPUTY CHAIRMAN : he Minister is starting... *(Interrupons)*,. Yesterday he started the ply.. .*(Interruptions)*. .1 do not know hat is happening. I have before e the record, that he started the ply. Now he is starting. How he arted the reply was not men-oned. ..*(Interruptions)*...

STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE CABLE TELEVISION NETWORKS (REGULATION) ORDINANCE, 1994.

. THE CABLE TELEVISION NETWORKS (REGULATION) BILL, 1994 —*Contd.*

THE MINISTER £>*F* STATE IF THE MINISTRY O, IM-ORMATION AND BROADCAST-NG (SHRI K. P. SINGH DEO): was mentioning yesterday, Madam deputy Chairman, that this was liberated by a Committee of Sec-taries as far back as 26th Novem-:r, 1992 and I even gave the points here a view was coming around, up to the point, I had said that the .mishment for violation of pro-sions of individual laws is to be ider the respective Acts, in all :her cases the violation of new law)uld be punishable with fine or ith imprisonment up to five years; id that a skleltal law, as suggested / the Inter-Ministerial Group as e best administrative arrangement the circumstances was a con-nsus. And it was also felt that no ;ensing of franchising of cable V network be made. This point as made by many Members. Fran-using does occur in the United :ates and Great Britain. They are iving their own problems. There-re, we did not want to start it f with a lot of prolems in our tnds. We were of the considered ew that this was not the time for censing of franchising of cable TV networks because we were aware how many they were at that time. And, therefore, it was thought that registration with a nominal fee would be sufficient at that time and that the registration could be done at the post offices because they are widely disseminated, and, secondly, because of their non-regu-latry image and widely dispersed network throughout the country. And the proposed enactment should also require maintenance of records oi programmes telecast by the cable TV operators and be made available for public scrutiny, whenever necessary, from three months after the telecasting. And also, the cable networks must carry the Doordarshan channels. Further, the networks should conform to a code of advertisment and a code of prog-ramming; a common code for visual media is to be worked out by the Ministry of Information and Broad-casting.

The other point was, technical specifications need to be specified for hardware. In this connection I would like to mention here that when we started the expansion of satellite channels, people in their anxiety or in their excitment of getting these, started using dishes of various specifications which played merry hell into the security and police wireless networks which could have created security problems. And it is also felt that there need not be any restriction regarding the number of broadcasting hours per day or the amount of advertisements. Therefore, a draft Bill incorporating the provisions of these proposed enactments was framed and a few modifications, which had not been suggested earlier, were also made and the technical standard was speci-field, and it should be done by the Bureau of Indian Standards. Further, the representatives of the film industry have been representing, time and again, for the last so many years and urging upon the State

Governments and also the Central Government and the Information and Broadcasting Ministry to take effective steps to prevent video piracy of their films in the country, which is also having an adverse effect on the revenues of the film industry. The film industry has also reque-sted that the proposed cable law should contain provisions which would ensure that no cable TV network in the country is able to exhibit any film using a VCP or VCR as part of the cable service without first obtaining the requisite permission to do so from the party possessing the cable rights in respect of the said film in the area of opera-tion of the said cable TV network. According to the law, which was cited, enacted by the GovernmenL of Tamil Nadu, no person shall give an exhibition of a film through the cable television network except and in accordance with the licence granted under the Tamil Nadu Act, that is, the Tamil Nadu Exhibition of Films on Television Screen through Video Cassette Recorders and through Cable Television Net-work Regulation Amendment Act, 1991. Therefore, this proposed legislation does not intend to have any provision in the Central law requiring the licensing of cable TV network and it is left to the State Governments or the State law to do it. So, my hon. friends should have no apprehension that the Central law is in any way going to impinge on the State law, whether it is Tamil Nadu or any other State. Shri Viern J. Shah had said that he was against promulgating Ordinances.

SHRI VIREN J. SHAH (Maharashtra) : Before that, if you don't mind, I want to say something. When the hon. Members from Tamil Nadu and Maharashtra have mentioned that there is a duplication because they have to register,..-.

SHRI K. P. SINGH DEO I will come to that.

SHPvI VIREN J. SHAH : Okay.

SHRI K. P. SINGH DEO : When Shri Viren J. Shah says that he is, in principle, against promulgating Ordinances, I agree with him. I, too, am against ruling the country by bringing in legislation through Ordinances. But sometimes it so happens that a situation arises when the Parliament is not in session and for the last two or three years we have been waiting— even my distinguished predecessor had been waiting=for certain legislations to come through this House and the other House. But we have not been lucky enough to get our legislations for deliberation in this House. So, this is one of those compelling circumstances. We have to resort to an Ordinance because there are written proofs tnd documents which have been cited by some hon. Members during the course of their speech, that some consortium or cartel was not only trying to buy off these small cable operators but it had a sinister motive, which was impinging on the national security, integrity and stability of the country. In fact, we have also drawn the attention of certain State Governments where these cartels have been trying to set up master switch rooms to have cable television through their network in those States, to this. Some of them are bordering the international boundaries, both maritime and land. I would not like to mention specifically the States. It would not be proper from the point of view of national security.

DR. BIPLAB DASGUPTA (West Bengal) : Is there any foreign company involved in it ? Is ther any foreign collaboration ?

SHRl K. P. SINGH DEO : I leave it to your imagination.

DR. BIPLAB DASGUPTA : You don't want to mention ?

SHRI K. P. SINGH DEO : I would not like to mention and I will be grateful to you if you don't press me because this is being done jn utmost secrecy.

Mr. Viren Shah has also mentioned about the Constituent Assembly debates. I made it a point to go through them over the week and we have done exactly what the Constituent Assembly has stated. Then it had gone to the Council of Ministers. The Council of Ministers considered it. Then it was sent to the President for his assent.

SHRI VIREN J. SHAH : I did not ask about the procedure. My point was this. The Constituent Assembly debate said that recourse to promulgation *of* an ordinance should be taken very, very carefully and it should be done in exceptional circumstances. That was my point. I am sure, procedurally you must have done the right thing. My point was about the substance and the spirit of the Constitution—makers.

SHRI K. P. SINGH DEO : We look recourse to it because the naational security was getting aiffected. On the 5th September, 1994 our attention was drawn to the simister move. We went to the Cabinet on the 20th September, The President's assent was received on ;he 29th September. Madam, I would like to give the details in a chxoadlogical order. On the 30th \pril, 1993 th: Bill was sent to the Cabinet. Tn^ Cabinet gave its approval on the 8th June, 1993. it was introduced in Parliament in the 3rd August, 1993. Then it was referred to the Standing Committee. The Standing Committee presented the report to the Lok Sabha on the 27th August, 1993. The Standing Committee had four sittings. The first meeting was held on the 19th August, 1993 and the second meeting also was held on the 19th August. The third meeting was held on the 23rd August and the last meeting on the 25th August. They took their own time. It took them one week. They did not rush it in two days' time, as some hon. Members ha t/e mentioned. The Standing Committee gave a chance to the cable operators to meet the Committee. The Standing Committee comprised 30 Members from the Lok Sabha and 11 Members from the Rajya Sabha. Then the cable operators had a meeting with the Law Minister on the 5th November, 1993. The Law Ministry vetted it by the 30th January, 1994. We received the vetted copy from the Law Ministry on the 22nd August, 1994.

SHRI VIREN J. SHAH : Mr. Minister, from January, 1994 to August, 1994 was the Law Ministry vetting it ? Was the Law Ministry vetting it or wetting it ?

SHRI K. P. SINGH DEO : The Law Ministry has its own priorities. I cannot dictate to the Law Ministry. I can only make a request.

SHRI VIREN J. SHAH : Mr. Minister, the Law Minister is sitting right behind you.

SHRI K. P. SINGH DEO : I cannot dictate to him. I can only made a request.

Then on the 20th September, 1994 the vetted draft for promulgation came. The Cabinet considered it on the 20th September, The Cabinet approved it on the same day. The Notification on the rules was received on the 29th September 1994. The promulgation of the

Cable Television Network (Regulation) Ordinance was also received on the 29th September and designating the Head Post Masters at the Head Post Offices as the registering authority was also done on 29th September, 1994. Thereafter, the Secretary, Department of Posts, notified them in the first week of November with a proviso that every week they will be notifying the progress.

The rules were made available to the Department of Posts. And they have also been circulated...

THE DEPUTY CHAIRMAN : How much time will you take ?

SHRI K. P. SINGH DEO : Not much.

THE DEPUTY CHAIRMAN : I think we can take it up after lunch because the Member also has to reply. Only then we can have voting.

The House is adjourned for lunch for one hour.

The House then adjourned for lunch at thirty-one minutes past one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock, The Vice-Chairman (Shri Md. Salim) in the Chair.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Mr. Singh Deo, you please continue.

SHRI K. P. SINGH DEO : Sir, now I will come to the Standing Committee. The Standing Committee which considered the Bill, has made certain observations and recommendations and this is what the Committee has said. I would like to quote para 2 of the report j

"The programmes that are being put across through satellite channels of foreign television networks and received through dish antennas are at times not in tune with our rich culture and holistic character of the Indian traditions.

This is the view of the Standing Committee and it goes further to say and I quote para 3 :

"The Committee has considered the principal clauses of the Bill. The Committee would like to highlight a few points to make the proposed Bill more purposeful and effective."

Thereafter, it has considered clauses 2, 5, 6, 8, 9 and sub-clause (3) of clause 19 to which many Members made references.

As far as clause 2, the definition part, is concerned, the Committee recommended that the words, "as a commercial activity', may be added at the end of the aforesaid definition which was referred to by many Members. The Ministry was not in agreement with this because, as I said, in the initial stages, anything crossing a road would be violative of the provisions of the Indian Telegraph Act, 1885. But in defererce to the wishes of the hon. Members. I would like to go with them because educational institutions and housing co-operatives have been mentioned. But I am still sceptical about this because in case they are violative of the existing law, in case they cross any road or a housing co-perative which is situated on both the sides of the road or in case there is an educational institution on both the sides of the road.—Mr. Vice-Chairman, Sir, you and I belong to an institution where our institutions are on both sides of the road going to Jadhavpur. So, if that happens, then, these educational cooperatives or institutions can also run into rough

weather. So, subject to that I would not have any hesitation in accepting this commercial activity. I hope, the hon. Member will bear with me.

SHRI VIREN J. SHAH : Sir, he should bring in an amendment today.

SHRI R. P. SINGH DEO : No, not necessary.

SHRI VIREN J. SHAH : If you do not bring it in the law then there might be difficulty later on with those overlooking this, the administrative people, who would not know that this is the intention So, what we might do, if I may submit with your permission, Sir, is that we might amend this, put it as a commercial activity. In any case, the Indian Telegraph Act does apply. So, no one can cross that without violating that and there we can catch. Or you can also advise such organisations that if they have to cross the road then this will be applicable to them.

SHRI K. P. SINGH DEO : Whatever we do, we will do it in consultation with the Law Ministry.

SHRI VIREN J. SHAH : If you don't make the amendment today, Sir, my difficulty is then the Bill will become law without that amendment and how will you bring it in because it will be beyond his powers also ? Once the Parliament passes a Bill where these words are not provided in the definition, then even the Government does not have the power, to my mind. I may be wrong to make that change which the hon. Minister accepts. So, I am suggesting that Some kind of a solution should be found because the Law Ministry which takes at least eight months for a Bill when the matter was approved in January. So, this difficulty has to be taken care of. If the hon. Minister kindly applies his mind and finds a solutions that is fine with me.

SHRI K. P. SINGH DEO : I am accepting both the suggestions of the Standing Committee and the wishes of the Members but, I will have to seek the advice of the Law Ministry before I make any changes in this proposed Bill.

Then, clauses 5 and 6, on programme and advertising.. .*(Interruptions)*.. .*Sir,* the Ministry on the programme and advertising code is accepting the recommendations of the Standing Committee and the extension of liability to producers and distributors is not considered necessary since it is already existing in the Cinematograph Act of 1952 Then, clause 7, on maintenance of register, on that also the Standing Committee has given certain recommendations, We are accepting them in toto and unnecessay details will not be asked to be recorded and as per the recommendions of the Standing Committee, the bare minimum important things which they have suggested to be recorded will be kept in chronological order.

The Cable operators should maintain the details of VCRs /VCPs and encrypted channels. Then clause 9 regarding use of standard equipment in cable television network, we are accepting. Then clause 11 (2), power to seize equipment used for operating the cable television, as recommended by the Standing Committee, we are accepting it. As regards clause 14(1) regarding giving opportunity to the cable operators before confiscation of equipment, that recommendation of the Standing Committee we are accepting. As far as clause 15, i.e. appeal, if I may humbly submit, there is an implied meaning of second appeal because of first appeal lies to the High Court and therefore, through a Special Leave Petition it is open to the Cable

operators to seek redress from the Supreme Court. Therefore, it has not been accepted. But if Members are insistent, then again it is a question of wording, whether to accept the word 'second appeal'. For that I will have again to consult the Law Ministry because it is on the advice of the Law Ministry that implied meaning remains for a second appeal through an SLP to Ibe Supreme Com l which no one is taking away either by this Bill or by any other skeletal law. Sir, therefore, we have not accepted. Again, I am open to suggestion.

SHRI VIREN J. SHAH: May I seek clarifications?

SHRI K.P. SINGH DEO : I am not yielding .. *(Interruptions).*

THE VICE CHAIRMAN (SHRI MD. SALIM): Please, y^u have an opportunity to reply to your own revelations.

SHRT K.P. SINGH DEO: Then, Clause 19, the power to prohibit transmission of certain programmes iu public interest, in which many Members have said "to he recorded ia writing." This has been rephrased "talcing the Law Ministry's advice" Hecause of the language as in the Indian Penal Code Sections 153 and 153A. Therefore, Sir, most of the recommendations of tbe Standing e which had gone into the entire Bill before the Ordinance came, have been gone into and have been accepted. The Orel., „:ce is the same as it was in the Bill and the rules framed. There is one more point, about the obligation of having two channels. It was at the time the Bill was framed and the Stan Committee was looking into the Biil. / t that time we did lot have multiplicity of satellite channels. This came in after 15th of August this year where we have 15 channels and out of them 11 channels are in one dish; one can get it. They are regional channels. Therefore, instead of one obligatory channel, we have two obligatory channels so that the regional programmes can be seen anywhere in India. These are all satellite channels. One has to have a dish for this, without the dish you cannot see. You can see only Doordarshan-1. You cannot see Star, Zee or V or MTV without the dish. The only tiling you can see is Doordarshan-1.

There-fore, Sir, this 3ill and the Ordinance are not a hasty affair. It has taken nearly four years to evolve. It has been scrutinised at various levels and this is the reason, honourable Mr. Viren Shah, we did not sit over it. I am sure that I will not be compelled to speak for or against my colleagues here. We had the Budget Session. This year we had a short Summer Session, Monsoon Session and now Winter Session. There is a lot of discussion on the ATR. So I may humbly say that my subject did not have such a high priority as others like ATR but I have been lucky that at least this Ordinance has got some priority over other business and hence we are discussing. Many hon. Members tried to ;ay that we were trying to stifle, tvy;:ig to force and coerce people to watch Doordarshan, and thai we were vlolataing the fundamental rights of freedom of speech and expression and all that. While we had one extreme of the pendulum, at the other extreme there were so;ne who were totally opp, some were totally supportive and so ne have supported with certain reflections, or with riders and 1 have tried to explain to them the reasons ami the acceptance of the Standiaa Committee. This Bill has been gone through the tooth—comb and there is nothing to conceal, nothing surreptitious about it, there is nothing to bide. It is not hasty at

all. As I said, it was the national security considerations which forced us to come out with an Ordinance., The question of national security integrity stability and sovereignty are something which, I am sure, my hon. colleagues will not grudge that we should have waited for the Parliament to convene in November, in which case we would have taken it up in December when it might have been too late and things would have become detrimental to our country. Sir, hon. Members have said about advertisement. Advertismg is one of die means of revenue generation and in any commercial undertaking apart from our most fundamental role, that is of informing and educating and also raising the consciousness and also disseminating information, entertainment is the third function that is given to the 1 & B Ministry. In this revenue generation and advertisement there is a lot of cut-throat competition. By ingenuity and by various other methods, Doordarshan has been ible to be successful in ge ting revenue from the market. We hav? competitors who are open neither to scrutiny of Parliament nor of the Standing Committee, nor of the Public Accounts Committee ner of the Consultative Committee. Even the commercial confidentiality of Doordarshan, I am under obligation and oath to place before both the Houses of Parliament and also my officers have to appear before the Standing Committee and various other financial Standing Committees. Therefore, there is an effoit to denigrate the achievements of Doordarshan. There is also an effort by various means through half-truths to bring in und mai'gn Doordarshan regarding its advertisement, regarding its movies, regarding its programmes. But I would humbly submit that whatever advertisement is being done is well within the four corners of the guidelines, that is, the AIR and Doordarshan Code on Advertisement and Programming as -approved by the Parliament in 1978. We have not thought it fit to amend it. But if it is the intention of the House, if it is the combined wisdom of the House that the AIR and Doordarshan Code approved by both the Houses of Parliament in 1978 requires to be changed, then we can certainly have a debate. We would like the common consensus and. .*(Interruptions)* ..

SHRI SANGHA I RIYA GAUTAM (Uttar Pradesh): I am requesting that this is a debatable point. .. .*(Interruptions)*...

THE VICE CHAIRMAN : (SHRI MD. SALIM) : Not now, please:

SHRI K. P. SINGH DEO : Sir I welcome the suggestion for a comprehensive Bill which will be far more deterrent which will be far more punitive. But I will require the support of both the Houses of Parliament. If it is the intention of bringing in a more comprehensive Bill, to tighten up some have said that it is a toothless and innocuous Bill, I concede, Sir the intention is not to prevent anything, not to bar anything, not to ban anything but it is only to register as a first step and not to fetter the creativity or the freedom of choice, or the freedom of thinking, or the freedom of speech. Therefore, this is a very simple legislation, one which is to give legitimacy to the entire operation of cable and to legalise it and also to standardise the equipment so that the consumers as well as the country benefit from its standardised equipment, state-of-the-art or contemporary and it does not interfere with the security, network operating in the country and also having certain Code which is approved by the Parliament to be exhibited through the electronic channe So, these are the main points, a

I think I have answered most of the points pertaining to this subject and to the Cable television. Otherwise, hon. Members have made many other points which are strictly not within the purview of this, either the Ordinance or the Bill as such, but I shall be very happy to answer all those things if it is a wider debate on the subject.

With these words, Sir, I commend the Bill for the approval of the House.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Shri Viren J. Shah.

SHRI ASHOK MITRA : Can I seek a small point of information from the Minister ? Some time ago, I had asked him a question as to how much money in foreign exchange these foreign television channels are taking away from the country through advertisement revenue, and the answer he provided me then was that he had no information. But I thought it is relatively easy to get the facts. We can simply check with the Reserve Bank of India. So, we can know at least the quantum of exploitation thr.! i3 taking place through foreign television channels. I hope the Minister has some information by now. Otherwise, I would request biaj that he should ask the Reserve Bank cf India.

SHRI K. P. SINGH DEO : [can have it collected, and I will lay it on the Table of the Hcuse.

, DR. BIPLAB DASGUPTA : Sir, one mine; point.

THE VICE-CHAIRMAN :(SHRI MD. SALIM) : You cannot go on asking questions. Mr. Viren J. Shah is there.

DR. BIPLAB DASGUPTA : We moved some amendments. Some of the amendments have been mentioned by the Minister while replying, but the other amendments have not been discussed which means that when the amendments come, we must have an opportunity to speak. He did not give any reply to you.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Shri Viren J. Shah.

SHRI VIREN J. SHAH : Mr. Vice-Chairman, Sir, first of all. after listening to the hon. Minister when he gave the chronological data about how this Bill moved from 1989 till now, I would certainly make one correction in my opening speech. When I moved the Resolution, I was very critical of his Ministry. I would very much tone down that criticism.

SHRI GURUDAS DAS GUPTA (West Bengal) : You are coming closer...

SHRI VIREN J. SHAH : I will tone down that criticism. I will not totally remove it because my basic objection against having any legislation by a.a Ordinance remain :s, and that practire has to go. But I am glad that the Law Minister has moved from the third bench to the first bench because he is the * in this.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ) : I think, it ia not a proper word.

SHRI VIREN J. SHAH : Yes ii am using the word. *(Interruptions*

SHRI H. R. BHARDWAJ : I take serious objection. I am not a * I am a Member of this House.

* Expunged as ordered by the chair.

SHRI VIREN J. SHAH : I am repeating *(Interruptions)* What is unparliamentary ? Can you explain it ?

SHRI SURESH PACHAURI Madhya Pradesh) : It should be :xpunged from the record.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : The Law Minister las raised his objection. *(Interruptions).*

SHRI JAGESH DESAI (Maha-ashtra) : I hope he will withdraw t. We never expected it from the Member.

SHRI SURESH KALMADI Mahara htra) : Mr. VTren SHAH, »roii are a gentlemen. Don't use his word. I am sure you will with-iraw it.

SHRI S. K. T. RAMACHAND-RAN (Tamil Nadu) : Let him ipologise for this.

SHRI VIREN J. SHAH j I will c-peat. I inten<l to repeat. "Iherc is io question of apology. *(Interruptions).*

THE VICE-CHAIRMAN (SHRI VID. SALIM) : Mr. Viren J. Shah, letter you aovid such words.

SHRI VIREN J. SHAH : 'lease enlighten me. Where does t say, either in the Shakdher & Kaul >r in the May's Parliamentary 'ractice, i is unparliamentary to is3 the word * or culpability ? f it is shown to me, I will withdraw, otherwise, I am going to repeat , and I have reasons ,vhy I ara saying it.

THE VICE-CHAIRMAN (S_HRl VID. SALIM) : It i_s an unparlia-mentary utterance.

SHRI VIRLN J. SHAH : ls it so ?

i M'unged as ordered by the Chair.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Yes.

SHRI VIREN J. SHAH : All right. I withdraw that. I would say that it is the Law Ministry.

SHRI SURESH KALMADI : It is unparliamentary. He should apologise for it. *(Interruptions).*

THE VICE CHAIRMAN (SHRI MD. SALIM) : He has with-drawn it. Please sit down, *(interruptions).*

SHRI VIREN J. SHAH : Sir, if you look into the chronology given by the hon. Minister for Information and Broadcasting, the Ministry right from 1989 started considering it, had a report in 1992 and held several meetings of the Committee of Secretaries.

The Bill was drafted, prepared and presented to the House in August, 1993. Then, it was referred to the Standing Committee. Theie-after, again, the Committee of Sec-retaries went into it. Ultimately, it was in January, 1994, that the Law Ministry approved the Bill as it was. Sir. if you look at the Bill as such and the Ordinance which was promulgated in September, 1994. you woiild find that there are no significant legal aspects that have been dealt with by the Law Ministry. We do not find any legal changes. In spite of this, the Law Ministry sat over it for eight months. Actually, this happens in the case of Bills of other Ministries also. That is wtrj I had used that strong word winch I had withdrawn. But I do bold tlie Law Ministry responsible for this delay, Ii ading to the issuance of this Ordinance.

Secondly, the reason that had been given for this Ordinance was that the smaller cable television operators had complained that the bigger *civii,* were taking away much o their business These operators wen* to the Government. Earlier tb* Cabinet. .*(Interruptions).*

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SHRI H. R. BHARDWAJ : Mr. Vice-Chairman, I would like to intervene __

SHRI VIREN J. SHAH : Am I supposed to yield ? I am not yielding.

SHRI H. R. BHARDWAJ : I should be given the opportunity to explain my point.

SHRI VIREN J. SHAH : I am certainly not yielding. Sir, I am not saying anything against the Law Minister personally. I am charging the Law Ministry. *(Interruptions)* If he is able to defend himself, it is fine. If he can say that the delay was justified, I would be the first person to congratulate him. *(Interruptions)*.

THE VICE-CHAIRMAN : (SHRI MD. SALIM) : Mr. Minister, the Minister who had piloted the Bill had already spoken at length, in three instalments. Now, let Mr Shah speak.

SHRI H. R. BHARDWAJ : He should speak on the Information and Broadcasting Ministry.

SHRI VIREN J. SHAH : I am speaking on the Information and Broadcasting Ministry. But I had referred to the Law Ministry because the Bill was sent to that Ministry also. Moreover, when I am speaking on the Ordinance, I take into account the Government as a whole because it was the Government which had issued the Ordinance; it was the President who had issued the Ordinance. It was not the Information and Broadcasting Ministry a. one.

Mr. Vice-Chairman, as I was saying earlier, one of the reasons given was that the smaller cable television operators were afraid that the larger ones would gobble them up and that, therefore, the Government promulgated this Ordinance on the 29th September, Bu Sir, we have newspaper reports j[1] the month of December which poin out as to how, after the Ordinanct was issued, two large organisations-one Indian and another foreign-had already planned to take ovei the entire cable television network in the country. The Minister did not reveal the names. I am not also going to reveal the names because the newspaper reports do have these names. Be that as it may, my question is this. If it is so. would the hon. Minister tell us as to how this had happened after the promulgation of this Ordinance *I* I say this because it is the only object you find if you refer to the Explanatory Statement, paragraph 3. It says : 'coercive attempts made by certain companies, .to control.' But this had happened.

Coming back to the point, I am still not in a position to accept the justification for the promulgation of the Ordinance, for two reasons. One is that the Law Ministry sat over it for eight months. The second reason given is that—it may be a valid reason in the short time, perhaps, this Bill could not come up. But I think the Information and Broadcasting Ministry should have pursued the matter with the Law Ministry to give it back earlier because, as I pointed out earlier, there is not much of a change brought about in the Ordinance.

There is one smali thing 1 want to point out here. This is about the legislative competence. The hon. Minister has not answered it. A very valid question was raised about the State laws coining into conflict with this. There is registration with the Post-Masters as well as with the police stations. Both things would have to be done But the hon. Minister has not dealt with it. I would be very happy if tbe hon. Minister clarifies as to

how, as per the Constitution, the legislative competence remains, if it is a State subject.

There is one small printing mistake or whatever it is, in the Bill. After 'clause 21', the numbering 'clause 22' is not there : it is missing. This is as per the Bill before the House. Neither there is a correction to say that the numbering 'clause 22' may be added. I would ask the hon. Minister to set it right. Otherwise, this infirmity would remain in the Bill.

I am grateful to the hon. Minister for accepting, in principle, that it should be included as a commercial activity. Sir, as you very rightly asked, I did not inter -rupt him. But once he accepts it, he should incorporate it in the Bill by way of an amendment. Otherwise, there would be difficulties. I say this because the courts have always gone by what is contained in the legislation as such and not by what one had said on the floor of the House.

3.00 P.M.

If you want to keep it as a commercial activity, you might want to bring an amendment today with this Bill, or even in the Lok Sabha so that you may have one or two days to consider quickly with the Law Ministry and bring it and yet take care of the violation of the Indian Telegraphs Act. In any case, violation of any Act can be made punishable.

[The Deputy Chairman in the Chair.

I am not at all happy with the hon. Minister with regard to clause 19 about "on any other ground whatsoever to be recorded in writing. The hon. Minister has said that he has so changed it that this is taken care of. I have got the Ordinance before me, I have got the amendments and I do not find anything to my knowledge which brings out this particular specific question which was recommended by the Committee unanimously about "on any oiher ground whatsoever to be recorded in writing." That is what they have recommended. And there is a reason behind it. I explained in my opening statement that if that is not so, on any other ground any officer of A level could, for any personal, subjective reasons, make life difficult. And my main difficulty is that it could lead to corrupt practices, which we all in this House, regardless of any party, want to curb. So I would still submit for the consideration of the hon. Minister that even in this House, in the next one day's time, if he could work out as to how to have the words to be recorded in writing, it would be of use.

Secondly, there is the question of availability of the rules to the cable operators. Now we know what happened on the first day when I moved the Resolution when Mr. Ram Jethmalani raised the question of rules. There were controversial statements. The hon. Minister said that the Post Masters make the rules, while rules were already made on the 29th of September by a Gazette notification of the Government of India, which were made available to us the next day. If this is the situation that Members of Parliament also get them the next day only and the hon. Minister himself was blissfully unaware of that, how would we expect the various cable TV operators all over India in very small towns, in the hills of Uttar Pradesh and in the villages in Kerala to be able to get those rules ? So my submission is that special efforts may be made to see that these rules are made available in the post offices, and the post offices should give to the cable

T.V. Operators. Otherwise there will be cable TV operators who will be operating, may be for a couple of years, without following any of the rules, which will defeat the purpose of the Bill which will become aa Act by then.

I also mentioned yesterday— il is slightly extraneous—that what happened to the Prasar Bharati Act should not happen to this Act. The Prasar Bharati Act was passed by both the Houses, the President gave his assent to it two years back and the Act is not, till today, implemented. Because that is also under the same Ministry, I thought I might draw attention to it so that this is taken care of.

Now, the last thing, on the second appeal. The hon. Minister says that the opinion that he has obtained from the Law Ministry is that despite the words used here, "no further appeal shall lie against the order of the court made under sub-section (2)"; the provisions of appeal still remain. If that is so, is it really necessary to keep these words here, particularly when the Standing Committee of the Ministry again unanimously recommended that the right to second appeal should be there '? The second appeal will only be to the Supreme Court. Or is it going to be a Division Bench of the same High Court ? It is not clear. The hon. Minister is advised that despite writing this, the right remains. Madam. I understand thaL if he brings it into law that no further appeal shall lie against the order, and still say that the appeal can lie, how would it be ? The hon. Minister was not in a mood to clarify at that time, but I would most respectfully submit, kindly consider that and clarify it.

As 1 said in the beginning, my party is not against this Bill at ali. It wanted such a Bill to be brought. But certainly my party will always be, and will continue to be, whichever party is in power, against bringing legislation by Ordinances unless there is a national emergency. Certainly we wiH be with the Government always, whoever is in power, or we ourselves may be in power, but this practice must be minimized and that is my submission again to the whole House. I remember, Madam Deputy Chairman last time when I spoke, you had also expressed an opinion. It is on record that such ordinances should be minimal affairs and that it should not become a prcctice. The hon. Members on the Treasury Benches also agreed with that .. .*{Interruptions)*

SHRI V. NARAYANASAMY (Pondicherry) : We never agreed with that. How can he say like that?

THE DEPUTY CHAIRMAN : He is not saying anything bad. He is saying that it should be only when there is an emergency.

SHRI VIREN J. SHAH : What did I say ? I am sorry, Mr. Narayana saury did not hear me, or, having heard, he perhaps got a different meaning. I say (hat only in a grave national emergency an ordinance can be brought, and no one would oppose it. But, don't issue an ordinance for normal legislation. Where is the problem ? ., .*(Interruptions)*

There is a running commentary by Mr. Jagesh Desai. I am prepared to sit down. Let him say what he wants to say, and then I wiH deal wilh that.

THE DEPUTY CHAIRMAN : No, no, no. You finish. We have to have the voting. Are you completing '?

SHRI VIREN J. SHAH : I still maintain my strong opposition to the Ordinance. I still keep my Resolution as it is right, now, but we will support the Bill. If it is desired, I will certainly withdraw the Resolution when you ask me whether I am prepared to withdraw it or not. But, I would again like to emphasis that this may be kept in mind not by those who are governing it, not only those who are in the House but also the whole administration as such. They should try to minimise that

Thank you.

THE DEPUTY CHAIRMAN : Thank you. Now, I shall put the Resolution moved by Shri Vires J. Shah. Are you going to withdraw it ?

SHRI VIREN J. SHAH : Madarn, I withdraw the Resolution,

SHRI VAYALAR RAVI (Kerala): Madarn, I have a point of order on this. After these procedures have been mentioned by Kaul and Shakdher, a new procedure has been adopted by Parliament. That is the basis of my point of order. There are the Standing Committees with Members from both the Houses of Parliament. The new procedure has been for a year or so. Here, Kaul and Shakdher says :

"If notice of a statutory resolution given by a Private Member, seeking disapproval of an ordinance, is admitted by the Speaker, time has to be provided by the Government for discussion thereof. However, the Resolution and the motion for consideration of a Government Bill seeking to replace that Ordinance may be discussed together. When this is permitted by the Speaker, the Resolution, after discussion, is to be voted first, because, if the Resolution is adopted, it would mean disapproval of the Ordinance and the Bill would automatically fall through."

These are the new points. One, this Bill or this Ordinance came for an expediency. After that a Bill was introduced in this House. It was discussed by the Standing Committee. Jt means, it is not the Ordinance. Il is a new one. The Ordinance was adopted by the Cabinet of the Government. After introducing the Bill, it is sent to the Standing Committee, the new Committee which has been formed. SQ, the question here before us today is that ihe Standing Committee approved it. The Minister also accepted it, approved it **and** made amendments because there is-a new procedure. Now, after the Bill has been approved by the Standing Committee the Ordinance was issued for an expediency because of some compulsive situation—my point is : can the same procedure of putting it to vote, which was followed for a long time be in order ?... *(Interruptions)*

THE DEPUTY CHAIRMAN : Let me answer. Please, no more confusion. Let me clarify it. 1 will clarify it.

SHRl VAYALAR RAVI : Let me clear my point.. .*(Interruptions)*

THE DEPUTY CHAIRMAN : Mr. Narayanasamy, please don't create confusion. Please let his confused mind be cleared.

SHRI VAYALAR RAVI : Madam, I have got a point.

THE DEPUTY CHAIRMAN : Okay, I understood your point. What is the second point ?

SHRI VAYALAR RAVI : Js it in order ? Or would you like to revise that procedure of putting this kind of a resolution to vote ?

THE DEPUTY CHAIRMAN : I will reply to your point of order. The Committees are there, and the Bill was pending before the Committee for clearance. Yet the Ordinance was issued by the President. If you look at the order paper, you will see what it has given. It has not been given in the form of a Bill. It is to approve the President's Ordinance. So, Mr. Viren Shah is absolutely right in opposing it through the Resolution. Secondly, there is no disorder in it.

SHRI VAYALAR RAVI: There is a difierence.

THE DEPUTY CHAIRMAN: There is a no difierence. Listen to me. The Minister has not come before the House with a Bill.

SHRI VAYALAR RAVI: The Bill will lapse, Madam, because the whole Committee Report will lapse. It is a new situation.

THE DEPUTY CHAIRMAN: All right. A Bill might lapse, whatever it is, but the Minister has brough' something else. He is not opposing the Bill. Please understand one thing. Mr. Viren Shah is not opposing the Bill. He is opposing the Ordinance.

SHRI JAGESH DESAI: Even if it has come in the form of a Bill, the House is supreme and it can be done.

SHRI VAYALAR RAVI: Then what is the use of the Standing Committee's recommendations? Why did it recommend ?

SHRI V. NARAYANASAMY: Madam, the Standing Committee's report is recommendatory. The House can reject the report of the Standing Committee.

THE DEPUTY CHAIRMAN: Let us not argue for something which is not there. We can argue about something that is there.

SHRI MD. SALIM (West Bengal): As an ordinary Member of this House we have a right to get enlightened by your ruling. While you are interpreting something. Why are the Members making points interrupting your ruling?

THE DEPUTY CHAIRMAN: I do not know. *(Interruptions)* At any point of time the Member is within his right to oppose whatever he likes. The Standing Committees are there to study the Bills and to give their recommendations. Yet the Members have a right to say whatever they want to say. So, he as a Member has a right to say.

I first take up the Resolution moved by Shri Viren J. Shah. Mr. Shah, are you withdrawing or mo. ving your Resolution?

SHRI VIREN J. SHAH: Madam, I beg leave of the House to withdraw the Resolution.

The Resoution was, by leave, with-drawn,

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to regulate the operation of Cable television network in the country and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 *were added to the Bill.*

Clause 5.

SHRI K. P. SINGH DEO: I beg) move:

"That at page 3, *after* line 7, the)llowing proviso be *inserted,* amely:—

"Provided thit nothing in this :ction shall ap My to the pro-rammes of foreign satellite mnnels which can be received with-ut the use of any specialised gadgets r decocfor."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: he question is:

"That clause 5, as amended, and part of the Bill."

The motion was adopted

lame 5, *as amended, was added to the Bill*

Clause 6

SHRI K. P. SINGH DEO: I love :

"That at page 3, *after* line 10, the following proviso be *inserted,* namely:—

"Provided that nothing in this section shall apply to the programme of foreign satellite channels which can be received without the use of any specialised gadgets or docoder"."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: "he question is:

"That clause 6, as amended, stand part of the Bill."

***The** motion was adopted.*

Clause 6, *amended, was added to the Bill*

Clause 7 *was added to the Bill.*

Clause 8

THE DEPUTY CHAIRMAN: There are two amendments. No. 6 moved by Shri K. P. Singh Deo and No. 15 moved by Dr. Biplab Das-gupta and Shrimati Sarla Mahesh-wari.

SHRI K. P. SINGH DEO: I move:

"That at page 3, line 18 *for* the word "one" the word "two" be *substituted"*

DR. BIPLAB DASGUPTA: I beg to move:

"That at page 3 line 18, *after* the words "Doordarshan Channel" the bracket and words "(which would be exclusively based on educational and social programmes)" be *inserted.'"*

The questions were proposed.

DR. BIPLAB DASGUPTA : I would make my points very briefly. This Bill is providing for two channels of Doordarshan to be broadcast by the cable television operators. We are in agreement with this. What we are saying is that these two channels should not be identical with cable T.V. programmes. These should be educational and social programmes. The reason why we have mentioned this is that if the Doordarshan, in order to compete for the advertisement revenue, presents the same kind of programmes which the cable television operators are presenting *nach gana* and all that, that is not going to serve our purpose. The programme which is being given to the cable T.V. operators should be different from the other programmes. The cable T.V. operators have

programmes of their own. That is why I am saying that the programme should be on education, socio-economic development or it can be on environment, it can be on urban problems, it can be on rural pro-b ems and many other issues, but not the sort of entertainment programme which is now being broadcast by the Doordarshan. If it is the entertainment programme, then, it makes no difference. It should be different from the programme broadcast by the cable T.V. operators. That is why I would like these two channels or one channel or whatever it is to be exclusively reserved for educationa and social programmes.

उपसभापति : सरला जी, आप भी कुछ कहना चाहेंगी। एकदम संक्षेप में बोल दीजिए।

श्रीमती सरला माहेश्वरी : (पश्चिमी बंगाल) : उपसभापति महोदया, मैंने जो संशोधन रखा है, उसके पीछे मेरा यह सोच है कि हमेशा और खासकर पिछले 5-6 महीनों से हम यह सुनते आ रहे हैं कि इलेक्ट्रानिक माध्यमों के क्षेत्र में जो एक विस्फोट हुआ है, उस विस्फोट के चलते हिन्दुस्तान भी पांव से पांव मिलाकर चल रहा है और हमारे मंत्री महोदय घोषणा कर रहे हैं कि आगामी आने वाले समय में हमारे 20 चैनल होंगे, 25 चैनल होंगे।

एक माननीय सदस्य : 50 चैनल।

श्रीमती सरला माहेश्वरी : 50 क्या 100 चैनल तक कहीं भी पहुंचे, शायद आपकी आकाश छूने की कल्पना है। मुझे खुशी होगी अगर हम सही दिशा की ओर जाएं।

उपसभापति महोदया, मेरा यह मानना है कि एक तरफ हम आर्थिक उदारीकरण की नीति की तरफ बढ़ रहे हैं। जमीन और आकाश को खुला छोड़ रहे हैं। क्या ऐसे में मंत्री महोदय गारंटी के साथ यह आश्वासन दे सकते हैं कि जो बहु-राष्ट्रीय कंपनियां हमारे देश में आ रही हैं तो हम ये चैनल जो होंगे इनको बहु-राष्ट्रीय कंपनियों को नहीं सौंपेंगे, उनकी मिल्कियत को बहु-राष्ट्रीय कंपनियों को नहीं सौंपेंगे और दूसरी बात मैं यह कहना चाहूंगी कि इलेक्ट्रोनिक माध्यमों के प्रति हमारा एक दृष्टिकोण रहा है, इसलिए ये इलेक्ट्रोनिक माध्यम सीधे व्यावसायिक दृष्टिकोण और मनोरंजन का कार्य भर न करें बल्कि हमारे समाज की जरूरतों को पूरा करने के लिए शैक्षणिक और सामाजिक दायित्वों का वहन भी करें। इसी उद्देश्य से मैंने यह संशोधन रखा है। हमारे मंत्री महोदय भी निश्चित रूप से इस बात को ध्यान में रखकर ही इस सदन में उपस्थित हुए हैं कि विदेश संस्कृति और सभ्यता हमारी संस्कृति पर क्षतिकारी प्रभाव डाल रही है। इसलिए मैं चाहती हूं कि वास्तव में अगर हम अपने देश की सभ्यता और संस्कृति को बचाना चाहते हैं, हम अपने सामाजिक दायबद्धता को पूरा करना चाहते हैं, अपनी समाज की इन जरूरतों को पूरा करने के लिए यह आवश्यक है जो केबल आपरेटर्स हैं उन पर यह बाध्यता करें कि वे कम से कम दो ऐसे चैनल प्रसारित करें जो सामाजिक और शैक्षणिक बाध्यताओं को पूरा करें।

उपसभापति : मंत्री जी आप इस पर कमेंट करेंगे या आई पुट टू वोट।

SHRI K. P. SINGH DEO : As far as educational and Social programmes are concerned, which Dr. Biplab Dasguptaji has mentioned, of the two channels, one channel is a regional channel which is produced by the regional centres like Calcutta, Trivandrum, Bangalore, Hyderabad, Bhubaneswar, Guwahati and other centres of various States. These are all composite. There is a social programme. There is an agricultural development programme. There is a rural development programme. There is a

music programme. There is a dance programme of those regions. It is not a national channel. Due to the innovation made by the engineers of the AlR and Doordarshan those regional channels can be seen anywhere in India in any language ihrough an appropriate dish antenna, So, the regional kendras generate these things. It is a composite of educational development, social development, cultural development, economic development and the whole gamut of activities.

As far ss Doordarshan channel one and Metro channel are concerned, there we are duty-bound to show the NCERT programme, the UGC programme, the *Krishi Darshan* programme, socio-economic development programme, health care programme, sanitation programme, women's welfare programme, children's welfare programme. Those are the contents, So, we do not have any ethnic channel. We do not have a 1 \ hour educational programme. We do not have a 1| hour social programme, We do not have a 11 \ hour agricultural programme. We don't have such a channel at all, either in channel one or in any of the channels. So these are composite channels which are known as 'channel management'. It is a composite programme.

About the sixty channels, we are in a pilot project of video digital compression. If that is perfected, theD, we will have sixty channels. •• out of these 15 channels which are there because each satellite channel will have four additional channels; that is, 15x4—60, The question of leasing out something or renting our something or selling out something does not arise. It is a totally hypothetical question as of today. We have 15 channels of which 13 are operative. Have we sold out anything to anyone? Have we leased out anything to anyone ? It is all within Doordarshan. Why should you have this hypothetical question of whether we will seli out everything ?

THE DEPUTY CHAIRMAN : Dr. Biplab Dasgupta and Shrimati Sarala Maheshwar!, would yoti like to wi:h draw your amendment or shall I go ahead with the voting ?

DR. BIPLAB DASGUPTA : I am withdrawing, Madam.

The amendment (No. 15) *was, by leave, withdrawn.*

THE DEPUTY CHAIRMAN : I shall now put the amendment moved by the Minister fo Vote.

The question is :

'That at page 3, line 18, *for* the word "one" the word "two" be *substituted."*

The motion was adopted.

THE DEPUTY CHAIRMAN: I shall now put clause 8, as amended, to vote.

The question :

"That clause 8, as amended, srand part of the Bill".

The motion was adopted.

Clause 8, *as amended, was added to the Bill.*

Clause 9

(Use of standard equipment in cable television network)

THE DEPUTY CHAIRMAN : lhere is one amendment by Shri K, P. Singh Deo.

SHRI K. P. SINGH DEO: Madam I move :

"That at page 3, line 23, *for* the words "one year" the words "three years" be *substituted."*

The question was put and the motion was adopted.

Clause 9, *as amended, was added to the Bill.*

Clause 10 *was added to the Bill.*

Clause 11

(Power to seize equipment used for operating the cable television Network)

THE DEPUTY CHAIRMAN : There is one amendment by Shri K. P. Singh Deo.

SHRI K. P. SINGH DEO : Madam, I move- :

"That a page 3, line 40, *for* the word "ninety" the word "ten" be *substituted.*

The question was put and the motion was adopted.

Clause 11, *as amended, was added to the Bill.*

Clauses 12 *and* 13 *were added to the Bill.*

Clause 14

(Giving of opportunity to the cable operator of seized equipment)

THE DEPUTY CHAIRMAN: Ther is one amendment by Shri K. P. Singh Deo.

SHRI K. P. SINGH DEO : Madam, I move :

"That at page 4, line 16 *for* the word "ninety" the word "ten" *be substituted."*

The question was put and the motion was adopted.

Clause 14, *as amended, was added to the Bill.*

Clause 15

SHRI VIREN J. SHAH : Madam, on clause 15,1 have a submission to make. I had earlier made a submission to the Minister. Sub-clause (3) of clause 15 days that no further appeal shall lie against the order of th? court made under sub-section (2). The Minister said that despite this an appeal would lie. Then why should they keen these words ?

THE DEPUTY CHAIRMAN : The Minister has already brought in so many amendments. *{Interruptions).*

SHRI VIREN J. SHAH : Is he going to remove these words in clause 15 ?

SHRI K. P. SINGH DEO : Madam, the court adjudicating is the District Judge's Court. The Appeal would lie to the High Court. And the Second appeal, through an SLP, shall be taken to the Supreme Court. It is implied in its very meaning.

SHRI VIREN J. SHAH : Then why should you keep these words which will create complications ?

SHRI K. P. SINGH DEO : It has been provided in consultation with everyone. *(Interruptions).*

SHRI VIREN J. SHAH : The Standing Committee has recommended that there should be a right of second appeal. Hence, keeping these words there would give a ground to the Government Pleaders to argue that an appeal cannot be admitted. That would be waste of everybody's time and money.

SHRI K. P. SINGH DEO : This Bill does not prevent a second appeal. *(Interruptions).* I will have to consult the Law Ministry before it is changed.

THE DEPUTY CHAIRMAN j Mr. Minister, please take into consideration, what the hon. Member has said, if ture is something. You hava made so many amendments. I am sure you are quite flexible in this case.

Now the question is :

"That clause 15 stand part of the Bil!."

The motion was adopted.

Claue 15 *was added to the Bill.*

THE DEPUTY CHAIRMAN Now, we will take up Clause 16. Thre are four amendments, that is, amendment Nos. 11 of 14 , by Shri Vayalar Ravi.

Clause 16

Punishment for contravention of provisions of this Act.

SHRI VAYALAR RAVI : Madarn, I beg to move :

(11) "That at page 4 line 38 *for* the words "two years" the words "six months" be *substituted."*

(12) "That at page 4 line 41 *for* the words "five years" the words "two years" be *substituted."*

(13) "That at page 4 lines 38 and 39 *for* the words "one thousand" the words "five thousand" be *substituted."*

(14) "That at page 4 line 42 *for* the words "five thousand" the words "twenty-five thousand" be *subs tituted."*

Thi question were proposed.

SHRI YAYALAR RAVI : Now, I will explain the reasons. Whenever a punishment under the Criminal law is awarded, it must have some correlation. Even here you will find that for two years imprisonment, the fine is only 1,000 rupees. In the second case, where the punishment provided is for five years, the fine is 5,000 rupees. There is no correlation between the fine and the imprisonment. Moreover, even under the Criminal Law, take, for instance, section 304 A IPC. If a person dies in an accident, the punishment provided is imprisonment for a maximim period of two years. So, I am not against punishment. But when the Parliament makes a law, there must be a co-rela tion between these tv/o things. The people must see some sense of propor tion in it. That is why I said in my amendments that for the first oflence, there should be six month imprisonment and 5,000 rupees fine and for the second offence, the period of imprisonment should be two years and the fine should be 25,00^ rupees. The punishment is there and the fine is also there. But there should be a co-relation between them and it should be according to the IPC. that is, the law of the land I hope the Minister will_understand the spirit behind my amendments It is not to save somebody but to show some sense.

SHRI K. P. SINGH DEO : Madarn, the Bill has been drafted in consultation with the Law Ministry. *(Interruptions)* I do not have a Law Department in my Ministry. I have to seek their opinion

THE DEPUTY CHAIRMAN : The Law Minister can explain.

SHRl H. R. BHARDWAJ : Madam, I do not know as to what the controversy is, The law prescribes the maximum punishment. It is for the courts to decide. The Magistrate's court may try a case and where two years sentence is provided, they may award one-month sentence. It is not compulsory and binding on the court to enforce the two years' sentence or a fine of Rs. 5,000/-. This is unnecessary.

THE DEPUTY CHAIRMAN: Can't they go beyond that ?

SHRI H. R. BHARDWAJ : They can, But they can award much lesser sentence aho and they can award even fine only.

THE DEPUTY CHAIRMAN . Mr. Vayalar Ravi, you see, it is an outer limit.

SHRI VAYALAR RAVI : Then what is the outer limit for a fine r' There is a simple fine of Rs. 1.000/- Why can't they increase the fine ? The fine can go up to Rs. 5.000/- in the first case and up to Rs. 2.5,000/- ln the second past

THE DEPUTY CHAIRMAN : What he is trying to say is that as you have put the outer limit for imprisonment, you could have suggested an outer limit in respect of fine also that up to Rs. 2,000/- or Rs. 5,000/-, it would be like this.

SHRI H. R. BHARDWAJ : Madam, this is what we have done.

THE DEPUTY CHAIRMAN : What is your objection ?

SHRI VAYALAR RAVI : Madam, this is not so. Madam, it says, Rs. 1,000/- is the outer limit in the first case and in the second case, Rs. 5,000/- is the outer limit. Why cant it be Rs. 5,000/- in the first case and Rs. 25,000/- in the second case ?

THE DEPUTY CHAIRMAN : If there is aa outer limit for fine and an outer limit for sentence, I think, we should leave it to the judgement of tlie court and the judge looking at the case because no two cases can be identical. *{Interruptions).*

THE VAYALAR RAVI : Madarn, according to this law, the value of five years of imprisonment is equal to Rs. 5,000/-. The Law Ministry cannot say that they will not change it. It should be reasonable.

SHRI H. R. BHARDWAJ : Madarn. I wanted to speak earlier but the Chair did not permit me.

THE DEPUTY CHAIRMAN : Which Chair did not permit you ?

SHRI H. R. BHARDWAJ : What I mean by the Chair is the earlier Vice-Chairman *(Interruptions).*

THE DEPUTY CHAIRMAN : There is only one Chair.

SHRI GURUDAS DAS GUPTA: Madam, in fact, he has referred to the earlier Chairperson. Mr. Minister, let me correct you.

THE DEPUTY CHAIRMAN : Mr. Gurudas Das Gupta, the Chair never speaks but the occupant too. I can say that if it is coming from the Bench, it does not mean that the Bench is speaking.

SHRI H. R. BHARDWAJ : Why did I say so ? I said earlier, in point of time. Earlier, I wanted to say something. The two hon. Members have referred to the Lav/ Ministry in their debate. That is not the convention when a Bill relating to the Information or Broadcasting Ministry or any other Ministry is discussed. They ar$_e$ the nodal Ministry and whatev»$_r$ decision is conveyed to us, we only

vet their Bills, We do not take policy decisions with regard to any department. If the Minister has sent us a policy, we cannot change that because that is passed by the Cabinet. So, to say that the Law Ministry ha: done this or that, is totally unwarranted. We will not change anything if it is a policy. We will have to keep the policy of the nodal Ministry as it is. If they want *to* make it 3,000 rupees or 2,000 rupees or Rs. 3,000 rupees, then it is their discretion But so far as we are concerned, in this particular case I just wanted to help my colleague. Rs. 2,000/- or Rs. 5,000/- has been prescribed. It may be a small amount in the beginning, but if the hon. Member wants it to be more, let him make a suggestion. And they can bring an amendment. But it is a question of policy to be made by the Department, that they would like to punish the first offence to this extent and the second offence to that extent. I am not the deciding person.

THE DEPUTY CHAIRMAN : I agree.

SHRI H. R. BHARDWAJ : Their Cabinet notes are prepared, then taken to the Cabinet and brought back to the Law Ministry. I do not think. . .*(Interruptio*

SHRI GURUDAS DAS GUPTA : Madam, I am on a point of order.

THE DEPUTY CHAIRMAN : No, no, no. No point of order.

SHRI GURUDAS DAS GUPTA: What he says is....

THE DEPUTY CHAIRMAN : No, no, he did not say anything... *(Interruptions).* .Mr. Gurudas Das Gupta, I am not entertaining your point of order...*(Interruptions)* No, I am not. I am not entertaining. '. .*(Interruptions)*..I am not entertaining. This is democracy... *(Interruptions). .No,* no; please sit down.

SHRI GURUDAS DAS GUPTA: This is unwarranted You may not entertain.

THE DEPUTY CHAIRMAN : I won't.

SHRI GURUDAS DAS GUPTA: I agree with you but what I am saying is it is redundant and unwarranted so far as the House is concerned..

THE DEPUTY CHAIRMAN : No, not all.. *(Interruptions).* . Mr. Gurudas Das Gupta, it is totally in the spirit and concern of the Members "of Parliament to see that whatever legislation is coining over here, that should be strengthened or that should be so strong that there are no loopholes. The Member of the ruling party has moved certain amendments. What is the harm ? It is democracy, He can have his views. The Minister can have his views. You do to it.. .*(Interrupt!* it ir absolutely all right, The Minister has explained. Over all . .*(Interruptions) If somebody has* a doubt, why do you mind ' Mi Ravi, are you going *to* ith your amendment or d < pre JS it ?

SHRI VAYALAR RAVI Madam I have never said anything. He can ace pi il (east an increase in the fine.

SHRJ K P. SINGH DEO : Madam, there is nothing Wl nothing bad in this law. We have tlted the Law : \s the hon. Minister said, the policy is decided by tbe Ministry of *I &* B. Whether it is good in law or bad or it provdes for something in the Constitution –or whetfaei it ts - '"lation of anything let the Law Ministry advise us. Arid

it is only after that it has been incorporated. It has been gone through even by the Standing Committee, and it was also in the Bill which was introduced. So, at the moment, Madam, I am not in a position to accept any amendment. We can definitely review it after some time.

THE DEPUTY CHAIRMAN : Do you want to withdraw, Mr. Ravi ?

SHRI VAYALAR RAVI : Yes, I withdraw.

The amendment was, by leave, withdrawn. (Interruptions)

THE DEPUTY CHAIRMAN : Now, the question is :

"That Clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 *was added to the Bill.*

Clauses 17 *and* 18 *were added to the Bill.*

Clause 19 : *Punishment for contravention of provisions of this Act.*

THE DEPUTY CHAIRMAN : There is one amendment, No. 16, by Dr. Biplab Dasgupta and Shrimati Sarala Maheshwari.

DR. BIPLAB DAS GUPTA : Madam, I beg to move :

"That at page 5 *for* lines 29-37, the following be *substituted* namely :—

"19 (D Where an officer, not below tbe rank of a Group 'A' officer of the Central Government authorised by the State Government in this behalf, thinks i[1] necessary or expedient so to do in the public interest, he may, by order, prohibit any cable operator from transmitting or re-transmitting any particular programme if it is likely to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, linguistic or regional groups or castes or communities or which is likely to disbturb the public tranquillity.

(2) An independent regulatory body name:: Cable Television) Authority would be set up by the Parliament with eminent personalities, M.Ps and experts as r. embers to formulate the code for Cable Television programmes including advertisements, monitor the working of the Cable operators and review decisions mentioned in subsection (I)."

Madam, there are a number of weighty reasons why we are moving this amendment, and we will also insist on voting, if necessary.

THE DEPUTY CHAIRMAN : Okay.

DR. BIPLAB DAS GUPTA : This particular clause gives a lot of power to Group 'A' Officers of the Government for stopping transmission or re-transmission of any of the programmes, if it is not in public interest. Now if you ask me, I am in favour of such power to be given to an officer. There is nothing wrong in giving this power to the officer, but there should be sufficient safeguards to ensure that such power is not abused. All kinds of abuses are possible, for example the officer concerned might become overzealous; he might become a power-maniac; he might become overbear

ing and might be scrapping programmes which should not havee been scrapped; he might even become partisan acting on behalf of the party in power in a State or at the Centre; he might become corrupt using his power to extract money from the cable television operators. To avoid all these things, there has to be some safeguards. We cannot leave this section as it is because this gives too much of power to the Group 'A' officers, which cannot be permitted. For that reason I am moving an amendment in two parts. Look at Amendment 19(2) where we are suggesting something which has been done by other countries who have also got these cable operators, for instance, United Kingdom. We are suggesting that there should be an independent regulatory body named Cable Television Authority which should be set up by the Parliament itself. The Parliament should set it up with eminent personalities, including MPs and experts, as its members. Their job would be to formulate (': code. The code should not be simpiy by way of rules formulated by the Parliament. The code should be formulated by eminent experi.3. They should come out with a code and they should keep on changing the code because it is not something static. It is dynamic. There will be a need for changing the code from time to time. For that reson this Authority, this body, should be entrusted with the responsibility of formulating the code. They should formulate the code not only for the programmes but also for the advertisements. Both these things should be the responsibility of this particular Authority. We are also suggsting that this Authority should review the decisions made by the Group 'A' officers. Unless there is a a provision for reviewing the decisions of Group 'A' officers, it can be very dangerours to the functioning of the cable TV and the television in general as also to the democracy in the country. So, this reviewing power should be in the hands of this particular Authority. We are so suggesting that they' should also monitor the working of the cable television operators from time to time and take necessary action or decision and communicate it to the Government. Unless this safeguard is there, we feel that it is very dangrous to give so much of power to these officers.

The o ther amendment which I am moving is clause 19(1). Clause 19 as such is okay. There is no objection to it, as has alreedy been suggested by Mr. Shah I am just reading **out** clause 19(1), "Where an officer, not belo w the rank of a Group 'A 'officer of the Central Government authorised by the State Government in this behalf, thinks it necessary or expedient so to do in the public interest, he may by order, prohibit any cable operator from transmiting or re-transmitting any particular programme if it is likely to piomote. *on* grounds of religion, race, language caste or community or any other ground whatsoever", then I would like to add, "to be given in writing". The grounds should be given in writing. These words are not printed here. They should be given in writing. It cannot be "any ground whatsoever." Whatever the ground is, that must be given in writing so that the Cable Television Authority, which I am proposing, is in a position to go through the ground and then come to some conclusion on that; otherwise they can always say, "No, it is our judgment our wisdom. We can do whatever we like." It is too much of power that you are giving them. So, I am just adding the words "to be given in writing" after "whatsoever". Then the rest of it will continue, ' 'dissharmony, or feelings or enimity hatred or ill-will between different religious groups or castes or communities or which is likely to disturb the public tranquillity."

[Dr. Biplab Das Gupta]

The amendments which I am moving, I am sure, would get the support of a majority of the Members of this House cutting across the political boundaries. I am sure, if they are put to a referendum, majority oi thr people would accept them. May be, IO % of the people would reject them. These are very reasonable safeguards wliich I am suggesting. I would request the Minister not to waste the time of the House, but to accept these amendments to ensure that the cable television operation is done properly and it is not subjected to the whims or the caprice or the corrupt practices of the individuals or Ihe Group 'A' officers oi' ths Gc ernment.

The question Was p

SHRI K.P. SINGH DEO Ma darn, most humbly I must ■ that I am set wasting the time ofi House. The Group 'A' officer aatborised under Clause District Magistrate, or the Sub-Divisional Magistrate oi whomsoever ihe State Government disignetes The Secretary, I&B has already addi > to the Chief Secretaries of all the State Governments in this regard <m the 4th October, 1994 Ii hon. Member is partisan an'! | wing some parties *(Interruptions)*

"IHE DEPUTY CHAIRMAN: Mr. Minister you consider it. he is saying is tliat whatever object !< *m* the Group 'A' officers have, it should not be as oral objection but it should be a written objection. I hat hould be in writing so that ii ' i ome proof.

SHRI K. P, SINGH DEO: I am coming to that.

I his has to be recorded in writing imder Clause 19. We again consulted the Ministry of Law who has held a. view that the stand of the Mini of Information and Broadcasting should stand. 'Or any other grounds whatsoever' is a part of section 153(a) of the Indian Penal Code. It is exactly the language of section 153. *(Interruptions)*.

SHRIVIRENJ. SHAH: It needs revision. *(Interruptions)*.

SHRI K.P. SINGH DEO: Madam Section 153 says:

"Whoever by words either spoken ritten or by signs or by visible representation or otherwise promotes or attempts to promote on grounds of religion, race, place of birth, re? sidence. language, caste or community or any other ground whaler, disharmony or feelings enmity hatred or ill-will between dint religious, racial, linguistic 03 regional groups or castes or communities, ..."

We have taken the language ol Section 153 (a). We have done it in i ui! iiltation with those whom we feel are expo m law. rherefore, we have given this suggestion. We have not put those words in writing because it is a part of Section 153(a) of the Indian Penal Code.

DR. BIPLAB DASGUPTA: What about the Cable Television Authority?

HIL DEPUTY CHAIRMAN: What about his other suggestion"? He has suggested by his amendment should be a regulatory of eminent personalities consis ting of Members of Parliament and other eminent per <

SHRI K.P SINGH DEO: Ma dam, this has to be examined. These are the points which the Standing Committee has made ami they have reiterated those points. *If* there are any new suggestions, the Ministry will have to examine whether those suggestions are tenable, practi-) ca! and administratevely feasible or not *(Interruptions)*.

SHRI GURUDAS DAS GUPTA et the Law Minister enlighten us OW the Indian Penal Code applies l this particular case. A parfi-ilar programme can be objected > not on the ground of creating mtify among the communities. can be objected to on moral ounds. It can be objected on the ound of obscenity and on being consistent with the Indian cultural Thage und there, the question of plication of the provisions of the dian Penal Code does not apply. t us not claim the wisdom of ; -«l drafting because on more in one occasion all tliat has been if'ted has been knocked out by the preme Court. Let us not claim. it wisdom.

IHE DEPUTY CHAIRMAN : '-. him answer. Mr. Bhardwaj, es it come under the Indian Penal de?

SHRI H. R. BHARDWAJ : ere is one provision in the Indian ia! Code. If any body proraots grounds of religion, race, language te and community and ill-will :ween various religious and inic groups, he is to be punished. it is the penal provision. That is here. It is to stop certain prog-imes. They have bodily lifted language of Section 15.3 to put) it to stop certain programmes. *ty* have authorised 'A' Group cers to the effect that in case any igfanirne, which is being shown >>;!" piomotc-s ill-will or hatroi ■ .<!!ous religions castes an<l >n, they can stop that program n«' f'!(. u*up Hous).*

111! DEPUTE " H AIRMAN : »■ aplete,. *(Interruptions)* Let tipoiuplete,

SHRl 11. R. BHARDWAJ : can be punished under ludian Penal Code. And. le can be a ground for stopping a gramme. *.(Interruptions)-*

SHRl GURUDAS DAS GUPTA the ground is different ----

THE DEPUTY CHAIRMAN : Mantriji, there is a concern in the minds of the Members. It is after many, many years that a new Bill is coming. Tt is entirely a hew concept today. We are living t in a new world. When the Telegraphs Act was drafted, we had no satellite, we had no cable television; in fact, we had no television at all. So, when vye put in a new idea, we should have all the safeguards. What the concern of" the hon. Members as also mine-, is that it is not only that we can create hatred, but we can bring vulgarity, we can bring something obscene also. That has to be safeguarded.

SHRI H. R. BHARDWAJ : Not only vulgarity but creating such ilbwill also is a pernicious thing. We have also brought an amendment I o the Representation of the people Act and t lie Commi ttee Report hast come to this House. We cannot allow religious disharmony, ethnic disharmony, in this country. So, this provision, according to my assessment, deals with that. But it is again the wid3m of'the adminis trative Ministiy because it is they who have to incorporate the things, is nothing illegal in it. If an publication of programme creates this mischief iVni.can bs rejected Min Doordarshan and it can be stopped. But what the hon. Members say is that we should have some sfeguards. Hi tt is a matter of policy- ol' the administrative Ministry. Ii thei ■'■aut to give any ren ' ihe reasons as to why they are taking such action, —that i " hat the hon. Member desires—I think thai il is a very good sug| should wel-it. 1, as Law Minister, cannot say that 1 accept ji. 1 am only asist-ing you, Madam, and not the I &B Minister. But, whatever the Members have suggested, their views will be conveyed to the Ministry. They can be examined. If this is a

beginning, as the Chair says, there should be a good beginning and we can improve upon this.

SHRI VIREN J. SHAH : We are totally with the hon. Minister and with the purpose of it. At least the words, "On any grounds whatsoever" should be recorded in writing. Other things need not be recorded in writing. Only then a person knows on what grounds he might be stopped. Madam, just as you have mentioned, the Indian Penal Code which is exactly IOO years old, was formulated by the Britishers. We need not stick to it. Here is a situation when the Information and Broadcasting Minister says "We have taken it to the Law Ministry". The Law Minister has very rightly enlightened us that they had taken the words from Section 153(a) of the Indian Penal Code. It is not binding on the I & B Ministry to bring the exact wordings of the Indian Penal Code. So, Madarn' as you very kindly directed, in today's situation and in the years to come, let us not leave this kind of power with even an SDM without any written record. This can be misused. I am not saying that an SDM will misuse it. But it can happen. So, the hon. Minister may consider this aspect and not just pass it on to the Law Ministry.

SHRI H. R. BHARDWAJ : Madam, if it were to be left to me, I would agree to it straightway. Now, the law has travelled to this extent that you must give a show -cause notice. After Ms. Maneka Gandhi's case, things have changed. There are very cardinal safeguards. I have no objection to agreeing to it if the I & B is to come to me.

SHRI K. P. SINGH DEO : I welcome it, Madam.. *(Interruptions)*

SHRI VIREN J. SHAH : He has to accept it. .*(Interruptions)*

DR. BIPLAB DASGUPTA : Is he accepting it ?

THE DEPUTY CHAIRMAN : Now, Mrs. Sarala Maheshwari has something to say.

श्रीमती सरला माहेश्वरी : उपसभापति महोदया, आपने जिस खतरे को भांप लिया था और मुझे खुशी है कि अब इतने वाद-विवाद के पश्चात् मंत्री महोदय भी इसको मानने के लिए सहमत हो गए हैं, लेकिन इस संशोधन की जो धारा 2 है, जो दूसरा संशोधन हम लोगों ने रखा है, उसके बारे में मैं यह कहना चाहूंगी और चाहूंगी कि यह पूरा सदन उस पर विचार कर और आप भी उस पर सहयोग दें, जिस प्रकार आपने इस पर सहयोग दिया है।

उपसभापति महोदया, आपने अभी कहा है कि हम नई दुनिया में रह रहे हैं और इस नई दुनिया को ग्लोबल विलेज के रूप में चिन्हित किया जा रहा है, परिभाषित किया जा रहा है। तो जब इस ग्लोबल विलेज में हम रह रहे हैं, जब दुनिया एक गांव में बदल गई है और इन सेटेलाइट्स के चलते, उपसभापति महोदया, आज हम यह देख रहे हैं कि इन सेटेलाइट उपग्रहों के जो संदेश प्राप्त हो रहे हैं, उससे हमारी संस्कृति का जो वेविधमय रूप है, वह विविधता उसकी खत्म हो रही है। संस्कृति को एक इंस्टेंट फूड मॉडल के रूप में तैयार किया जा रहा है। जैसे इंस्टेंट फूड तैयार किया जाता है वैसे ही संस्कृति के इंस्टेंट मॉडल तैयार हो रहे हैं। अगर आप दूरदर्शन देखें, केवल टेलीविजन देखें या कोई विदेशी चैनल देखें तो आपको कहीं कोई फर्क नजर नहीं आएगा। हर तरफ एक ही तरह से लोग चिल्ला रहे हैं–हॉय, हेलो, हइया– एक ही तरह की आवाज आपको सुनाई देगी। तो मैं यह कहना चाहती हूं कि जो हमारी संस्कृति की विविधता है, जिस पर हम नाज करते रहे हैं कि हमारे देश की संस्कृति में इतनी विविधता है, विभिन्न क्षेत्रों में हमारी संस्कृति फैली हुई है, वह संस्कृति एक इंस्टेंट फूड का मॉडल न बने इसके लिए हमारे

मंत्री महोदय जो सुझाव लेकर आए हैं, वह आफसरों के जरिए उसको नियंत्रित करना चाहते हैं।

मैं यह कहना चाहती हूं कि हमारी संस्कृति को अगर हम वास्तव में सही रूप में विकसित करना चाहते हैं तो उसका तरीका अफसरों के जरिए नियंत्रित करके नहीं हो सकता। संस्कृति की रक्षा, सुरक्षा और संवर्धन का अधिकार हम सरकारी अधिकारियों को नहीं दे सकते। उपसभापति महोदया, इसलिए मैंने यह संशोधन रखा है कि आज जिस तरह हमारे देश में तमाम अखबार चल रहे हैं, हजारों अखबार निकल रहे हैं, ये तमाम अखबार हमारे राष्ट्र के मूल्यों के अनुरूप काम करें, इसके लिए एक प्रैस-काउंसिल काम कर रही है, प्रैस-परिषद् काम कर रही है और इसीलिए मैं चाहती हूं कि उन मूल्यों के तहत इस केबल नैटवर्क को रेगुलेट करने, केबल ऑपरेटर्स को नियंत्रित करने के लिए हम एक ऐसा निकाय बनाएं, जिसको हमने केबल ऐथॉरिटी का नाम दिया है, उसमें वे लोग होने चाहिए जो कि हमारी संस्कृति से जुड़े हुए लोग हों, मीडिया के एक्सपर्ट हों और उसमें हमारी संसद के प्रतिनिधि भी हो सकते हैं क्योंकि उपसभापति महोदया, आने वाले समय में ये केबल ऑपरेटर्स ही हमारी अभिव्यक्ति का माध्यम बन सकते हैं। तो ऐसे माध्यम को हम स्वस्थ अभिव्यक्ति का माध्यम बनने दें और हमारे राष्ट्र के मूल्यों के अनुरूप ये काम कर सकें, इसके लिए बहुत जरूरी है कि सरकारी अधिकारियों के हाथ में शिक्षा और संस्कृति का भार न देकर हम अपने देश की संस्कृति से जुड़े हुए लोगों, विद्वान लोगों के हाथ में यह अधिकार दें और दूसरे देशों से अनुभव ग्रहण करके यह काम करें। मैं चाहूंगी कि मंत्री महोदय इस ओर ध्यान दें।

THE DEPUTY CHAIRMAN : As I said earlier, you have brought before the House a historic Bill. This is something new which was never done before and the credit will go to you if something good happens and I hope it will happen. Therefore, we should not leave any loophole unfilled at this time. I understand your anxiety and concern when you brought the Bill before this House last year. Then it had to be referred to the Standing Committee and you had to have a Presidential Ordinance. The thing is that when you are bringing forth such a good Bill, we should not leave any loopholes. You are trying to have the amendments in the original Bill and you yourself have conceded it. I think these two suggestions are very good and the Law Minister has no objection. He has supported it because legally there is a difference between criminal law and vulgarity, the law which affects our morality. I think it cannot be covered under the Criminal Procedure Code. You please add one word in it. The suggestion for a 'cable authority' is also good because such an authority will act as a check and balance the position and will not leave the whole thing in the hands of some bureaucrats to do it. It is not that they will not take care of it. But the responsibility should be on a large number of people than just one or two people.

SHRI GURUDAS DAS GUPTA Excellent.

SHRI K.P. SINGH DEO: Madam may I respond ? Both the suggestions are very good and I would incorporate those suggestions properly. I am not claiming that this Bill covers everything under the Sun. Even our Constitution has been amended some 80 times in 47 years. I am under your direction. Last year, you directed me to bring in a comprehensive Bill under which the electronic media should operate. We are in the process of completing that comprehensive legislation and the cable TV will form part of it. The suggestions

[Shri K. P. Singh Deo]

made by the hon. Members will be effected in that. I will bring it to the House. Let us have a detailed discussion. This is the wish of the hon. Members. This is your direction to bring in a comprehensive Bill. For the last 3 months, this is what we are doing. The moment it is ready. I will bring it before the House. It is a welcome suggestion.

SHRI HR. BHARDWAJ ; In anticipation, I agree with it...(/n-*terruptions)...*

THE DEPUTY CHAIRMAN: The Law Minister is agreeable to it. It is part of the record. The Minister has given a sort of assurance and he is bound by it and be is morally bound by it. It is not just because **you** have pressurised him. He is bringing in a Bill which is going to cover everything. Mr. Minister, could you please consider it when you take it to the Lok S;ihh;i ?

You have to take it to the Lok Sabha and when you take it to the Lok Sabha, you have to put it in a proper order. You can come back to us and we will approve it wil hen; any hesitation. Thank you verj much.. .*(Interruptions)...*

DR. PIPLAB DASGUPTA Madam, *we* have had a Ver,} goo discussion. Nobody here is opposed to the Bill. We want to improve upon the Bill. There is no difference on the objectives of the Bill The only objection is this that there is tio need to rush. He can take 3,4 or 5 day$_w$ It is not going to take longer. We can give him four or five days,., *(Interruptions)...* Let the voting be suspended. Let *him. ..{interruptions) ...*

THE DEPUTY CHAIRMAN : We are in a very good atmosphere. We are in a very good mood. Everybody is agreeable to your suggestion and that of Shrimati Sarahi Mauesh wari. Your sentiments are being shared by everybody including me and both the Ministers who are present here i.e. the Law Minister and the Minister of the administrative Ministry. There are certain technical points. Let the Minister get them cleared here with an assurance that he will go to the Lok Sabha in this period and introduce it in a proper order. He can always come back and got it approved. So, with this assurance, you withdraw your amendment. But it is your amendment *iInterruptions),..*

SHRI GURUDAS DAS GUPTA: Any time-frame, Madam?

THE DEPUTY CHAIRMAN : About time-frame, I will discuss with them ..-*{Interruptions)..,*

SHRl GURUDAS DAS GUPTA: Madam, at the same time, I would request you to ensure that unnecessary delay is not made. The assurance should be fulfilled within the shortest possible time.

SHRI VIREN J. SHAH : In this Session itself. ...*(Interruptions),..*

SHRI K.P. SINGH DEO: Because I am duty-bound. ...*(Interruptions* |

SHRI VIREN J. SHAH: In this Session itself. . *(kite'ruptions)* ..

IHE DEPUTY CHAIRMAN : Let iTv» find out

SHRI GI RUBAS DAS GUPTA: i don"* was surance, I only want the Choir to react. .. *(Interrup* **is) .**

THE DEPUTY CHAIRMA Mr. K. P. Singh Dcqji, 1 1 -[1111 J are concerned with tlie wni *V* because you have been coming and talking to me.

i KI. K.P. SlNGH DEO: Madam, (here are national security perspectives.

Trih DEPUTY CHAIRMAN: i'd. He is very concerned as • are. He is very much an Indian ats we are. He also wants that his morality should be protected. The ame thing is there. So, please try to brin it as early as passible, So, Mr Biplab Dasgupta and Shrimati Sarala Maheshwari do you have the pleasure to withdraw your amendment?

SHRIMATI SARAi A MAHESHWARI: Yes, I wihdraw my amendment.

DR. BIPLAB DASGUPTA: Yes, I with draw my amendment.

The amendment {No. 16) *was by leave, withdrawn*

THE DEPUTY CHAIRMAN: I put clause 19 to vo;e.

The question is:

"That Clause 19 stand part of the Bill".

The motionwas adopted

Clause 19 *was added to the Bill.*

Clauses 20 *to* 22 *were added to the " Bill*

*.00 p.M.

*NEW CLAUSE—*23

THE DEPUTY CHAIRMAN : Incre ts one new clause 23 for nsertion Shri K. P. Singh Deo to

SHRl K. P. SINGH DEO : Madam, I move :

as page 6; *after line* 32, the ing be *inserted* namely :

(1) The Cable Television Ner*orks (R? | uiationfiOrdinance-994 is hereby repealed.

(2) Notwithstanding such repesl any living or any action taken imder the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act."

Ord. 9 of 1994.

Saving and Repeal.

The question was put and the motion was adopted.

New Clause 23 *was added to the Biil.*

CLAUSE 1

{Short title, extent and commencement)

THE DEPUTY CHAIRMAN : Fhere are two amendments by Shri K. P. Singh Deo.

SHRI K. P. SINGH DEO : Madarn, I move :

"That at page 1, line 6 *for* the figure '1993' tbe figure '1994' be *substituted."*

"That at page 1 *for* lines 8 and 9 the following be *substituted namely* .

'(3) It shall be deemed to have come into force on tbe 29th day of September, 1994,"

The questions were put and ihe motions were adopted.

Clause 1, *as amended, was added to the Biit.*

ENACTING FORMULA

THE DEPUTY CHAIRMAN . I shall now take up the Enacting formula is also an amendment b$_v$ Shri K. P. Singh Deo.

उपसभापति : सिंह देव जी, आप बहुत सारे, मतलब आप ऐनेक्टिंग फॉर्मूले में, अमेंडमेंट लाए हैं।

श्री के०पी० सिंह देव : एक साल रुकिए मैडम।

उपसभापति : तो मुझे इस बात में कोई शंका नहीं है कि आप इसी सेशन में वापस आएंगे दो अमेंडमें। लेकर और हम आपको ऐप्रिशिएट करेंगे और पास करके भिजवा देंगे।

Shri K. P. Singh Deo . Madam, I move :

"That at page 1, line 1 *for* the word "forty-fourth the word "forty-fifth" be *substituted.*

The question was put and the motion was adopted.

The Enacting Formula as amended, was added to the Bill.

The Title was added to the Bill.

THE DEPUTY CHAIRMAN : Shri K. P. Singh Deo.

SHRI K. P. SINGH DEO : I move :

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN : The Bill, as amended, is passed. He has given assurance to everybody. Now, we will take up the Cotton Transport Repeal Bill, 1994. This Bill has not much controversy and we have agreed that this Bill will be passed as soon as we can. I do not have many names.

तो मंत्री जी, अब बोलिए।

THE COTTON TRANSPORT RE-PEAL BILL, 1994

THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES (SHRI G. VENKAT SWAMY) :

I beg to move :

"That the Bill to repeal the Cotton Transport Act 1923, be taken into consideration."

The question was proposed.

उपसभापति : मंत्री जी, आप बोलेंगे? इसमें कुछ बोलना नहीं है? कुछ खास नहीं है?

सूचना और प्रसारण मंत्रालय के राज्य मंत्री (श्री के० पी० सिंह देव) : कोई खास नहीं है।

उपसभापति : आप थोड़ा ऐक्सप्लेन कर दीजिए।

SHRI G. VENKAT SWAMY : Madam Deputy Chairman, the Cotton Transport Act, 1923 was enacted on 23rd February, 1923 to provide for restriction, control and transport of cotton to ensure maintenance of purity of the superior varieties of staple cotton grown in specified tracks and to prevent its admixture with inferior varieties. The provisions of this Act have been hampering the timely and free movement of cotton particularly to the spinning mills in recent times in view of the manifold increase in production of cotton and change in the marekting and consumption of cotton. In order to remove the regulation of movement of fully pressed cotton within the industrial zones of the country and to ensure timely movement of cotton to the mills, in the era of liberalisation, it is considered necessary that the Act be repealed. The proposed Bill seeks to achieve the aforesaid objective